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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/066,251

01/31/2002

Richard L. Hammons

112-0020US

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08/31/2010

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EXAMINER

TABOR, AMARE F

ART UNIT

PAPER NUMBER

2434

NOTIFICATION DATE

DELIVERY MODE

08/31/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

WCPatent@counselip.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/066,251	<b>Applicant(s)</b> HAMMONS ET AL.	
	<b>Examiner</b> AMARE TABOR	<b>Art Unit</b> 2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2,5,7,8,10-14,16,17,19,21 and 54-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17,19,21 and 54-72 is/are allowed.
- 6) ☒ Claim(s) 2,5,7,8,10-14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This is in response to **Amendments** and **REMARKS** filed on December 22, 2009.
2. **Claims 2, 5, 7-8, 10-14, 16-17, 19, 21 and 54-72** are pending.

### *Response to Arguments*

3. Applicant stated that, "Claim 2, [depending from claim 1] was objected as allowable)..." However, applicant has responded by (a) cancelling the prior examined limitations of the independent claim 1, and (b) adding new issue [i.e., "a secure network"] to the claim. Therefore, the indicated allowability of claim 2 is withdrawn in view of the newly discovered reference(s).

Rejections based on the newly cited reference(s) follow.

### *Claim Objections*

4. **Claim 2** (and its dependent claims) is objected to because of the following informalities:
  - *Please spell out abbreviations ("NCE": Network Configuration Entity, Switch Connection Control "SCC", Device Connection Control "DCC" and Management Access Control "MAC") at least when they are used first time (i.e., in claims 2, 5, 10 & 16).*

Appropriate correction is required.

### *35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 2, 5, 7, 8 and 16** are rejected under 35 U.S.C. 102(e) as being anticipated by Tuomenoksa et al. (US 2002/0099937 A1, hereafter “**Tuomenoksa**”)

As per Claim 2, Tuomenoksa teaches:

A network configuration entity [see at least FIGS.1 & 4: where GATEWAYS & ‘CONTROL SYSTEM’ (with ‘Network Operation Centers’) are disclosed] comprising a memory for storing an NCE [Network Configuration Entity] list, said NCE list comprising an indication of each device in a secure network that may operate as said network configuration entity [see at least FIG.3, 7 & 11A; and for example, par.0126, 0162 and 0189-0191].

As per Claim 5, Tuomenoksa teaches:

The network configuration entity of claim 2 further comprising a memory for storing a DCC [Device Connection Control] list, said DCC list associated with said-one or more rules for interaction between and among devices in the secure network and comprising definitions that logically bind a port on the network configuration entity to one or more other ports resident in the secure network [see at least FIG.6B; and for example, par.0141-0144].

As per Claims 7-8, Tuomenoksa teaches:

The network configuration entity of claim 5 wherein said ports are identified by a unique number; wherein said unique number is a world-wide-name [see ‘IP Address’ in FIG.6B].

As per Claim 16, Tuomenoksa teaches:

The network configuration entity of claim 2 further comprising a memory for storing an SCC [Switch Connection Control] list, said SCC list associated with switch connection controls and comprising a list of devices authorized to participate in said secure network [see at least FIG.11E and 13; and for example, par.0204-0207 and 0219-0228].

*35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 7-8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Tuomenoksa” in view of Scott et al. (US 7,123,608 B1, hereafter “Scott”)

As per Claim 10, Tuomenoksa teaches:

The network configuration entity of claim 2 further comprising a memory; but does not explicitly disclose storing a MAC [Management Access Control] list, said MAC list comprising an indication of network endpoints from which management access is permitted. However, in the same field of endeavor, **Scott** teaches a MAC list for storing an indication of network endpoints from which management access is permitted [see at least FIG.45; and for example, col.33, line 49 to col.34, line 10]. Therefore, it would have been obvious to a person having ordinary skill in the art to modify the system of **Tuomenoska** by incorporating the MAC list of **Scott** for the advantage of ensuring only authorized systems are able to perform management level administration on the network [see at least col.34, lines 1-10 of **Scott**].

As per Claim 11 and 12, Tuomenoksa-Scott combination teaches:

The network configuration entity of claim 10 wherein said network endpoints are indicated by IP addresses [see FIG.6B; and for example, par.0142, 0166 and 0185-0186 of **Tuomenoksa**]; and wherein said IP addresses are associated with access from SNMP or Telnet or HTTP or API [see at least par.0238 of **Tuomenoksa**].

As per Claims 13-14, Tuomenoksa-Scott combination teaches:

The network configuration entity of claim 10 wherein said network endpoints are uniquely indicated by identified device ports [see FIG.6A; and for example, par.0156 of **Tuomenoksa**]; and wherein said network endpoints comprise uniquely identified devices resident in said secure network [see FIG.6B; and for example, par.0142 of **Tuomenoksa**].

*Allowable Subject Matter*

7. **Claims 17, 19, 21 and 54-72** are allowed.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-892).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **AMARE TABOR** whose telephone number is (571)270-3155. The examiner can normally be reached on Mon-Fri 8:00a.m. to 5:00p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KAMBIZ ZAND** can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amare Tabor/  
Examiner, Art Unit 2434

/Farid Homayounmehr/  
Primary Examiner, AU: 2434